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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,745	12/28/2000	Paul A. Rupsis	PM 273238 P10246	5550

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EXAMINER

FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/749,745

Applicant(s)

RUPSIS, PAUL A.

Examiner

Roland G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 8, 11, 14-21, 23, 26, 29, and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Proposal for an MGCP Advanced Audio Package" RFC 2897 (XP-002212513) by Cromwell ("Cromwell"), of record as disclosed by the applicant and cited in the international search report for PCT/US 01/49779, which is a continuation of the instant case.

With respect to claim 1, Cromwell discloses an "event/signal package" (play audio module) that is included in a media gateway control protocol for supporting IVR operations (audio resource function) (abstract). The event/signal packet (module) comprises audio play processes such as "playannouncement" (abstract and page 5). The event/signal package (play audio module) controls the media gateway or audio server during the IVR process and thus the package (module) is operable to request the gateway to play IVR audio in response to received signals from the package (module) (abstract and page 5). The audio comprises an uninterrupted flow of audio such as "Welcome to Bell South's Automated Directory Assistance Service" (page 2), and thus can be considered as an audio stream. The audio play is also altered based on the desired message to be played out (e.g., page 24). Because the event/signal package (play audio module) controls the media gateway, then at least one control "signal" travels between the

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module and the gateway. The resultant play is also analyzed for reasons why it was terminated, such as by using return codes indicating the type of error that occurred (page 16) or normal termination codes (page 14). Note also that an "operationcomplete" is detected (i.e., analyzing as to reason the announcement was terminated, namely because the operation was completed) (page 6).

Claim 8 differs substantively from claim 1 in that claim 8 recites a "record" process rather than a "play" process. The record process reads on the abstract and page 4. The reasons for terminating the recording are also analyzed, e.g., see page 6 regarding detecting an "operationcomplete" signal upon successful completion the "playrecord" command. See the claim 1 rejection for further details.

Claims 16 and 23 differ substantively from claims 1 and 8 respectively in that claims 16 and 23 recite methods steps that are equivalent to the module functions recited in claims 1 and 8. Therefore, see claims 1 and 8 rejections for further details.

With respect to claims 2 and 17, see page 8.

With respect to claims 3 and 18, see page 24 where the play commands request the prompt to pause for user input and then resumes.

With respect to claims 4 and 19, see page 11.

With respect to claims 5, 11, 20, and 26, see page 3, where a user is able provision the media gateway to support a coder process that specifies coder values relating to audio file format.

With respect to claims 6 and 21, see the claim 1 rejection for further details.

With respect to claims 14, 15, 29, and 30, see page 6.

Claims 1, 8, 12, 16, 23, and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Media Gateway Control Protocol Architecture and Requirements Status of this Memo" RFC 2805 (XP-002212514) by Greene et al. ("Greene"), of record as disclosed by the applicant and cited in the international search report for PCT/US 01/49779, which is a continuation of the instant case.

With respect to claim 1, Greene discloses a "media gateway controller ("MGC") (play audio module) that is included in a media gateway control protocol for supporting audio resource functions such as IVR (pages 4 and 32). The MG-unit Controller (module) comprises audio play processes such as the "play audio module" (page 32). The MG-unit controller (play audio module) controls the media gateway during the IVR process and thus the controller (module) is operable to request the gateway to play IVR audio in response to received signals from the controller (module) (page 29). The audio comprises an audio stream (page 7). The audio play is

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also altered based on the desired message to be played out (e.g., page 32). Because the controller (play audio module) controls the media gateway, then at least one signal travels between the module and the gateway (page 29). The resultant play is also analyzed for reasons why it was terminated, such as by using return codes indicating the type of error that occurred (page 14).

Claim 8 differs substantively from claim 1 in that claim 8 recites a "record" process rather than a "play" process. The record process reads on the "record audio module" process (page 26). See the claim 1 rejection for further details.

Claims 16 and 23 differ substantively from claims 1 and 8 respectively in that claims 16 and 23 recite methods steps that are equivalent to the module functions recited in claims 1 and 8. Therefore, see claims 1 and 8 rejections for further details.

With respect to claims 12 and 27, a recording location process creates a "unique identifier", which allows the decomposed media gateway to reference where the recording is located.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 1 and 16 above.

Although Cromwell discloses a text to speech conversion process (e.g., page 4), Cromwell fails to specifically disclose that the text to speech process conforms to the (speech application program interface) SAPI specification.

However, "Official Notice" is taken that both the concept and advantages of using a text to speech process conforming to SAPI.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add make the text to speech process disclosed by Cromwell to conform to SAPI.

The suggestion/motivation for doing so would have been to conform to industry standards for text to speech processing, such as the SAPI interface, which is a well known and

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widely used Microsoft interface standard that defines and supports speech processes such as text to speech.

Claims 9, 10, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 8 and 23 above, and further in view of U.S. Patent No. 6,295,342 B1 to Kaminsky ("Kaminsky").

Although Cromwell discloses a recording process that waits for seven seconds after speech stops to make sure the user is finished (page 24), Cromwell fails to specifically disclose that recording process is paused and resumed, where the recording process is operable to append the recording to an existing recording.

However, Kaminsky (similarly to Cromwell) teaches of a telephonic IVR system (abstract) that pauses and resumes the recording process in order to append the recording to an existing recording (e.g., col. 2, lines 33-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a pause and resume in order to append the recording to an existing recording as taught by the IVR system of Kaminsky to the IVR system disclosed by Cromwell.

The suggestion/motivation for doing so would have been to increase the efficiency and accuracy of collecting information from by avoiding the difficulty to "correlate all of the



responses of a single user" which causes the "transcriber assigned to coordinate the responses of each user session" to be faced with a "considerable challenge" and "[c]onsiderable work" (Kaminsky, col. 2, lines 9-25).

Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 8 and 23 above, and further in view of U.S. Patent No. 6,049,765 to Iyengar et al. ("Iyengar").

Although Cromwell discloses a recording process as discussed above, Cromwell fails to disclose detecting and eliminating periods of speech inactivity.

However, Iyengar (similarly to Cromwell) teaches of a recording process that detects and eliminates periods of speech inactivity (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add detection and elimination of periods of speech inactivity as taught by the recording process of Iyengar to the recording process disclosed by Cromwell.

The suggestion/motivation for doing so would have been to increase data storage capability by removing unnecessary silence segments (Iyengar, col. 1, lines 41-67).

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster  
Primary Patent Examiner  
August 23, 2004